

Office of School Facilities  
Rose Diamond, Chief Facilities Officer

**SUBJECT: AUTHORIZATION TO RECOMMEND APPROVAL TO MIAMI-DADE COUNTY OF A REQUEST BY TUSCAN PLACE II LIMITED PARTNERSHIP FOR EXEMPTION OF EDUCATIONAL FACILITIES IMPACT FEES IN CONNECTION WITH TUSCAN VIEW ELDERLY HOUSING PROJECT, LOCATED AT 670 NW 6 STREET, MIAMI, FLORIDA**

**COMMITTEE: FACILITIES AND CONSTRUCTION REFORM**

Pursuant to the terms of the Educational Facilities Impact Fee Ordinance (Ordinance), and Section 33k-8(a) of the Miami-Dade County (County) Code of Ordinances, an applicant shall be exempt from the terms of the Ordinance if the proposed development activity is not capable of creating a demand for capital educational facilities during its useful lifetime, as a matter of law and fact, as defined in the Ordinance. The Ordinance also requires that the County seek a recommendation from the School Board as it relates to any claim for an exemption under the Ordinance.

On January 9, 2006 the County's Planning and Zoning Director requested a recommendation from the School Board on the exemption application from Tuscan Place II Limited Partnership (Applicant), which is constructing a housing project for the elderly at 670 NW 6 Street, Miami (see location map). The Applicant has requested an exemption from the County for Educational Facilities Impact Fees (Impact Fees), and proffered to the County a Covenant Related to Elderly Housing (Covenant), which would ensure that the project is constructed and subsequently used for elderly affordable housing. The Covenant stipulates the following general terms:

- a) The project shall be occupied on a continuous basis by members of the general public who comply with the eligibility requirements of the Ordinance;
- b) The Impact Fees will become due and payable by the then current owner of the project at such time as the Project loses its status as an eligible project, or any resident is under twenty-one years of age, or creates any capital educational facilities demand;
- c) The Applicant shall furnish to the County's Department of Planning and Zoning (Department) a report each year for a period of five years from the date of this Covenant, and thereafter when required by written notice by the Director of the Department, certifying the household age requirement compliance of the lessees in the Project and compliance with the provisions of this Covenant; and

- d) Prior to any sale of any portion of the Project, the applicant shall provide all documentation as required by the Director of the Department to prove that the prospective buyers and occupants comply with the household age requirement, the Ordinance and the provisions of this Covenant.

It should be noted that on March 17, 2004, the School Board approved one such similar request in connection with a proposed elderly housing development in the City of Miami.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, recommend approval to Miami-Dade County of the request for exemption from Educational Facilities Impact Fees for Tuscan Place II Limited Partnership, in connection with a proposed affordable housing project for the elderly, located at 670 NW 6 Street, Miami, Florida.

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# LOCATION MAP

